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**Notice of Allowability**

Application No.

10/701,857

Examiner

Nikita Wells

Applicant(s)

ADLER, DAVID L.

Art Unit

2881

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 05 November 2003.
2. ☒ The allowed claim(s) is/are 1-14.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 120104.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>120104</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>120104</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                             | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                       |
|  | 9. <input type="checkbox"/> Other _____  |

Nikita Wells  
Primary Examiner  
Art Unit: 2881

## **Detailed Action**

### ***Examiner's amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James K. Okamoto on December 1, 2004.

The Examiner initiated the Interview with the Applicant in order to insert allowable material from claims 1 and 12, into the independent claims 6, 10, 13, and 14, in order that the application could be allowed. The Applicant agreed to amend the above independent claims in order to proceed with the allowance of claims 1-14.

The independent claims are amended as follows:

In claims 6, 10, and 14, line 4, after "the substrate;" the following has been inserted: --a spiral motion mechanism for inducing relative motion between the incident beam and the substrate such that the beam travels over a surface of the substrate along a substantially spiral shaped path; and --.

In claim 13, line 3, after "the substrate" the following has been inserted: --a spiral motion mechanism for inducing relative motion between the incident beam and the substrate such that the beam travels over a surface of the substrate along a substantially spiral shaped path;--.

***Allowable Subject Matter***

2. Claims 1-14 are allowed.

3. The following is an examiner's statement of reasons for allowance:

With respect to the independent claims 1, 6, 10, and 12-14, prior art fails to disclose or make obvious an apparatus and method for inspecting a substrate, comprising: exposing the substrate to an incident beam; inducing relative motion between the incident beam and the substrate such that the beam travels over a surface of the substrate along a substantially spiral shaped path; and detecting charged particles emitted from the substrate. The allowable component of the invention is that the beam travels over the surface of the substrate along a spiral shaped path which is produced by the spiral motion mechanism.

The dependent claims 2-5, 7-9, and 11 are allowable by virtue of their dependence upon the independent claims 1, 6, and 10, respectively.

***Drawings***

4. New corrected formal drawings of Figures 4 and 5 are required in this application because these submitted figures are hand drawn. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both Nishimura et al. (6,465,781 B1) and Lo et al. (6,566,897 B2) disclose a charged particle beam exposure device and method for inspection and measuring a sample. Vaez-Iravani

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et al. (6,618,134 B2) discloses a sample inspection system which considers a spiral beam path irradiating the sample only using a laser beam.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita Wells whose telephone number is (571) 272-2484. The examiner can normally be reached on 8:30 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571) 272-2477. The central fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nikita Wells, Primary Examiner  
Art Unit 2881  
December 1, 2004